

1 JOSEPH A. MANDOUR, III (SBN 188896)
2 BEN T. LILA (SBN 246808)
3 MANDOUR & ASSOCIATES, APC
4 16870 West Bernardo Drive, Suite 400
5 San Diego, CA 92127
6 Telephone: (858) 487-9300
7 Facsimile: (858) 487-9390
8 Email: jmandour@mandourlaw.com

9 Attorneys for plaintiff,
10 SHERRI HELLBUSCH

11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 SHERRI HELLBUSCH, an
14 individual,

15 Plaintiff,

16 v.

17 STEPHANIE LANE dba WILLOW
18 WOODS STUDIOS, an individual,

19 Defendant.
20
21
22
23

)
) **Civil Case No. 13 CV 01973**

)
) **COMPLAINT FOR COPYRIGHT**
) **INFRINGEMENT**

)
) **DEMAND FOR JURY TRIAL**

24
25 Plaintiff SHERRI HELLBUSCH (hereinafter “plaintiff”), by and through
26 its counsel, alleges as her complaint against STEPHANIE LANE (hereinafter
27 “defendant”) as follows:
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2 **NATURE OF THE ACTION**

3 1. This is an action for copyright infringement under federal law
4 pursuant to 17 U.S.C. § 501, *et seq.*

5 **THE PARTIES**

6 2. Plaintiff SHERRI HELLBUSCH is an individual doing business as
7 Crystal Cove Design Studio and residing in Westminster, CA.

8 3. Defendant Stephanie Lane is an individual residing in the state of
9 Pennsylvania and doing business as Willow Woods Studio that has a business
10 address at 5412 Legene Lane, Enola, PA 17025.

11 **JURISDICTION AND VENUE**

12 4. This Court has subject matter jurisdiction over this lawsuit under 28
13 U.S.C. § 1338 because the action arises under the copyright laws of the United
14 States, and pendant jurisdiction of any and all state causes of action under 28
15 U.S.C. § 1367.

16 5. This Court has personal jurisdiction over defendant because
17 defendant has transacted business in the Central District of California. Further, on
18 information and belief, the defendant systematically and continuously directs
19 business activities toward and into the Central District of California through sales,
20 marketing and advertising on its publicly accessible interactive Internet website
21 Etsy.com.

22 6. Defendant's web pages at Etsy.com purport to provide shipping to 50
23 states throughout the U.S., including the Central District of California. Thus, all
24 content that infringes plaintiff's copyright is for sale to consumers in the Central
25 District of California. Specifically, on or about December 18, 2013, defendant
26 transacted business with Nicole Sweeny of North Fontana, California. Attached
27 hereto as Exhibit A is Nicole Sweeny's acknowledgment of the sale on
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1 defendant's website and a true and correct copy of Nicole Sweeney's Facebook
2 page indicating her current residence in North Fontana, California, located in the
3 Central District of California.

4 7. On information and belief, defendant entered into systematic and
5 continuous business in the District by offering for sale and shipping using the
6 infringing content. In view of the foregoing, plaintiff's claims arise from
7 defendant's contact with the Central District of California.

8 8. Venue is proper and reasonable in this district under 28 U.S.C. §
9 1391(b)(2) because a substantial part of the events or omissions giving rise to this
10 claim for copyright infringement occurred in this district and defendant has
11 significant, substantial and continuous contacts with the district.

12 **FACTS**

13 9. Plaintiff SHERRI HELLBUSCH is an individual that designs and
14 sells picture frames that are sold on the website Etsy.com.

15 10. Plaintiff's picture frame designs are the subject of U.S. Copyright
16 Application No. 1-1053324582. As such, plaintiff's designs will be entitled to a
17 statutory presumption of valid copyright rights upon maturation of the application
18 into registration. Attached hereto as **Exhibit B** is a true and correct copy of
19 plaintiff's copyright application.

20 11. On information and belief, defendant STEPHANIE LANE owns and
21 maintains or is otherwise responsible for the content found on a webpage entitled
22 Willow Woods Studio, hosted on the third-party website Etsy.com. Through this
23 website, defendant sells, and has images of, picture frames substantially similar to
24 plaintiff's copyrighted designs.

25 12. The Etsy.com website is a publicly accessible interactive website that
26 advertises to visitors and allows visitors to make purchases and track orders.

27 13. Due to the similarity of products sold by plaintiff and defendant, the
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1 parties compete directly for many of the same consumers.

2 14. Attached hereto as **Exhibit C** are respective examples of plaintiff's
3 copyrighted design and defendant's substantially similar copy.

4 15. Defendant's copying and republication without authorization was
5 thus willful, oppressive malicious and with wrongful intent to infringe the rights
6 of plaintiff.

7 **CLAIMS FOR RELIEF**

8 **First Claim for Relief**

9 **(Copyright Infringement)**

10 16. Plaintiff repeats and incorporates by reference the statements and
11 allegations in paragraphs 1 to 15 of the Complaint as though fully set forth herein.

12 17. At all times relevant hereto, plaintiff has been the owner of all
13 copyright rights or rights to assert copyright claims for her picture frame designs
14 and all derivative works.

15 18. Without authorization, defendant used, copied, reproduced, and
16 republished the copyrighted material. Defendant's copying, reproduction, and
17 republication were commercial in character and purpose. Defendant either
18 completely or substantially used plaintiff's copyrighted content. Because the
19 copying was for the purpose of competing with plaintiff, it did not constitute fair
20 use under any doctrine of copyright law.

21 19. Plaintiff did not authorize defendant's copying, displaying, or
22 republishing of the works. Defendant infringed the copyrights of plaintiff's
23 creative works by reproducing, republishing, publicly displaying, and creating
24 derivatives of the works.

25 20. As a result of defendant's infringement, plaintiff has suffered, and
26 will continue to suffer, substantial losses.

27 21. Defendant knew the infringed works belonged to plaintiff and that
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1 they did not have authorization to exploit plaintiff's works. Defendant's
2 infringements were therefore willful.

3 22. On information and belief, defendant induced, caused and materially
4 contributed to the infringing acts of others by encouraging, inducing, allowing,
5 and assisting others to reproduce and republish plaintiff's works. Further, on
6 information and belief, defendant had knowledge of the infringing acts of others
7 relating to plaintiff's copyrighted works.

8 23. On information and belief, defendant has the right and ability to
9 control the infringing acts of the individuals and entities that directly infringed
10 plaintiff's works. Further, on information and belief, defendant obtained a direct
11 financial benefit from the infringing activities of the individuals or entities that
12 directly infringed plaintiff's works.

13 24. Defendant's actions, as set forth above, constitute copyright
14 infringement in violation of the Copyright Act, 17 U.S.C. § 501, *et seq.*, all to the
15 damage of plaintiff as previously alleged.

16 17 **PRAYER FOR RELIEF**

18 WHEREFORE, Plaintiff asks that this Court grant judgment against
19 defendant for the following:

20 A. Defendant, its officers, agents, servants, employees, and attorneys,
21 and all persons in active concert or participation with any of them, be
22 temporarily restrained, and preliminarily and permanently enjoined from:

- 23 i. infringing plaintiff's copyrighted works;
- 24 ii. competing unfairly with plaintiff in any manner, including
- 25 infringing any of plaintiff's copyright rights; and
- 26 iii. conspiring, encouraging, inducing, allowing, abetting, or assisting
- 27 others in performing any of the activities referred to in
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1 subparagraphs (i) - (ii) above.

2 B. Defendant, its officers, agents, servants, employees, and attorneys,
3 and all persons in active concert or participation with any of them, deliver
4 for destruction, or show proof of destruction of, any and all products, labels,
5 signs, prints, packages, wrappers, receptacles, and advertisements, and any
6 other materials in their possession or control that depict or reference any of
7 plaintiff's copyrighted materials any materials or articles used for making
8 or reproducing the same.

9 C. Defendant file with the Court and serve on plaintiff, within 30 days
10 after the entry and service on defendant of an injunction, a report in writing
11 and attested to under penalty of perjury setting forth in detail the manner
12 and form in which defendant have complied with the provisions of
13 subparagraphs (A) and (B) above.

14 D. Plaintiff recover all damages it has sustained as a result of
15 defendant's copyright infringement.

16 E. An accounting be directed to determine defendant's profits resulting
17 from their infringement and unfair competition and that the profits be paid
18 over to plaintiff, increased as the Court determines is appropriate to the
19 circumstances of this case.

20 F. Plaintiff be awarded statutory damages.

21 G. Plaintiff be awarded its reasonable attorneys' fees for prosecuting this
22 action.

23 H. Plaintiff recover its costs of this action and pre-judgment and post-
24 judgment interest, to the full extent allowed by law.

25 I. Plaintiff receives all other relief the Court deems appropriate.

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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by the jury on its claims herein and all issues and claims so triable in this action.

Respectfully submitted,

Dated: December 19, 2013

MANDOUR & ASSOCIATES, APC

/s/ Ben T. Lila

Ben T. Lila (SBN 246808)

blila@mandourlaw.com

Attorneys for plaintiff,

SHERRI HELLBUSCH

EXHIBIT A

[Sell](#) [Registry](#) [Community](#) [Blogs](#) [Mobile](#) [Gift Cards](#)


[Hi, Sherri](#) [Your Shop: CrystalCoveDS](#) [Your Account](#) [Help](#)

[Etsy](#)

[Search for items and shops](#)

[Home](#) > [willowwoodsstudios](#) > [Shop Reviews](#)

Shop Owner



Stephanie
United States

Have a question?
Contact the shop owner.

Shop Info

[willowwoodsstudios](#)
Opened on Nov 4, 2013

[About](#)
[Policies](#)
[Reviews](#)
★★★★★ (11)
84 sales
159 admirers

Actions

[Add to favorites](#)
[See who favorites this](#)
[Tweet](#)
[Report this shop to Etsy](#)

Willow Woods Studios

HOLIDAY SALE

[willowwoodsstudios](#)
Personalized gifts and keepsakes for all occasions!

[Favorite](#) [Link](#) [18](#)

The owner of willowwoodsstudios is on vacation.
Want to find out when the shop owner returns?
[Yes, notify me by email](#) We'll only send one email. We hate clogged inboxes, too.

Item Reviews

Average Item Review ★★★★★ (11)

Reviewed by [nicole sweeney](#) on December 18, 2013

No longer available
★★★★★
Great gift! The godparents loved them! Planning on ordering again for other occasions!

Reviewed by [ktaman](#) on December 17, 2013

[f](#) [Nicole Sweeney](#)

[Home](#) [Sherri](#)


[Timeline](#) [About](#) [Photos](#) [Friends](#) [More](#)


[Message](#)

About

If you know Nicole, send her a message.

Places Lived


North Fontana, California
Current City


Rancho Cucamonga, California
Hometown

Sponsored

Create Ad

Barn Door Hardware SALE!
[rusticofarhardware.com](#)
 Modern, Rustic, Old World Hardware. Free S&H. Fast Shipping, Low Price.

In Your Home Protected?
[protectyourhome.com](#)
 Free \$530 Home Security System w/ \$99 Installation Fee + \$100 VISA from Protect Your Home.

View Home Security Deals
[Homebid.com](#)
 Get home security for \$29.99 per month from the company rated #1 by homeowners.

2014 Required Notices
[calchamber.com](#)
 Order 2014 compliance products now. Become a member and save 20% on your purchase!

New From Coach
[coach.com](#)
 Trending now: the MADISON KENNEDY CARRYALL IN LEATHER for \$795. Shop it now!

EXHIBIT B

-APPLICATION-

Title	<hr/>		
	Title of Work: Burlap Picture Frame Pictures and Descriptions		
Completion/Publication	<hr/>		
	Year of Completion: 2013		
	Date of 1st Publication: March 1, 2013	Nation of 1st Publication: United States	
Author	<hr/>		
	■ Author: Sherri Hellbusch		
	Pseudonym: Crystal Cove Design Studio		
	Author Created: 3D Art		
	Citizen of: United States		
	Year Born: 1982		
	Pseudonymous: Yes		
Copyright claimant	<hr/>		
	Copyright Claimant: Sherri Hellbusch		
	8652 Palos Verdes, Westminster, CA, 92683, United States		
Certification	<hr/>		
	Name: Anthony Gomez		
	Date: December 5, 2013		
	Applicant's Tracking Number: 508364906		
	<hr/>		

Registration #:

Service Request #: 1-1053324582

Priority: Routine

Application Date: December 5, 2013 07:13:49 PM

Correspondent _____

Name: Sherri Hellbusch

Email: sherribalog@hotmail.com

Telephone: 214-663-7641

Address: 8652 Palos Verdes
Westminster, CA 92683 United States

Mail Certificate _____

Sherri Hellbusch
8652 Palos Verdes
Westminster, CA 92683 United States

EXHIBIT C

